

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Michael J. Rosendaul; Wayne	§	
Isbell; James G. Winkel; and, David	§	
W. Buck	§	Group Art Unit: 2878
	§	
Serial No.: 10/707051	§	Examiner: Davienne N. Monbleau
	§	
Confirmation No.: 1050	§	
	§	
Filed: November 18, 2003	§	
	§	
For: NIGHT VIEWER	§	
ACCOMMODATING MULTIPLE	§	
IMAGE TUBE TYPES	§	
	§	

Commissioner for Patents
PO Box 1450
ALEXANDRIA, VA 22313-1450

Sir:

Submission of Corrected Appeal Brief

In accordance with the Notice of Abandonment with attached Communication Re: Appeal, mailed January 9, 2008 and in further response to the Notification of Non-Compliant Appeal Brief, mailed September 18, 2007, Applicants submit the accompanying corrected Appeal Brief.

According to the Communication Re: Appeal, block 3(c), the appeal brief filed October 14, 2007 remained deficient solely because claim 10 was supposed to be dependent on claim 12.

The normal time period for a response to the Notification of Non-Compliant Appeal Brief, mailed September 18, 2007, expired on October 18, 2007. The PTOL-462 form indicated

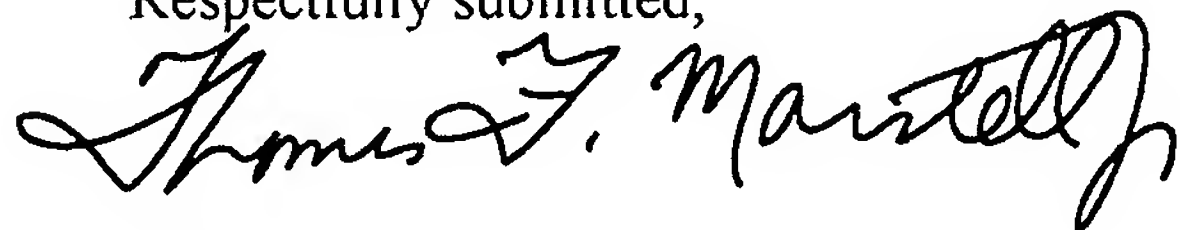
that "extensions of this time period may be granted under 37 CFR 1.136." A three month extension to the time period for a response would terminate January 18, 2008.

The accompanying appeal brief is being filed within the permitted three month extension period from response date to the original mailing date of the Notification of Non-Compliant Appeal Brief, mailed September 18, 2007, and the proper fee for the three month extension is being paid with the filing of this paper.

Applicants suggest that all matters requiring attention prior to docketing identified in the Order Returning Undocketed Appeal to Examiner have now been corrected.

Accordingly, Applicants respectfully request that both the Notice of Abandonment and the underlying dismissal of the appeal for failure to file a compliant appeal brief be withdrawn and the appeal process be reinstated.

Respectfully submitted,

A handwritten signature in black ink, reading "Thomas F. Marsteller, Jr." with a stylized flourish at the end.

Thomas F. Marsteller, Jr.
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Date: January 16, 2008